



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA**

BILLINGS COUNTY, a municipal entity, <i>et al.</i> ,	)	
	)	
	)	
Plaintiffs,	)	Civ. No. A1-01-045 (lead case)
	)	
v.	)	
	)	
MIKE JOHANNS, in his official capacity as the	)	
Secretary of the Department of Agriculture, <i>et al.</i> ,	)	
	)	
Defendants,	)	
	)	
and	)	
	)	
NATIONAL WILDLIFE FEDERATION, <i>et al.</i> ,	)	
	)	
Defendant-Intervenors.	)	
<hr/>		
STATE OF NORTH DAKOTA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
MIKE JOHANNS, Secretary, United States	)	Civ. No. A1-01-087
Department of Agriculture; <i>et al.</i> ,	)	(consolidated case)
	)	
Defendants,	)	
	)	
and	)	
	)	
NATIONAL WILDLIFE FEDERATION, <i>et al.</i> ,	)	
	)	
Defendant-Intervenors.	)	
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**PLAINTIFFS' AND FEDERAL DEFENDANTS' JOINT MOTION TO DISMISS**

Plaintiffs and Federal Defendants (collectively, "the settling parties") hereby jointly move this Court for an order dismissing the above-captioned consolidated cases. The settling parties premise this motion on a settlement agreement, which is attached hereto as Exhibit A.

DATED this 11th day of August, 2006.

Respectfully submitted,

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Attorneys for Billings County, *et al.*

**Certificate of Service**

The undersigned hereby certifies that she is an employee of the United States Department of Justice, and is a person of such age and discretion as to be competent to serve papers. The undersigned further certifies that on August 11, 2006, she caused a copy of the **JOINT MOTION TO DISMISS, with Exhibits**, to be served on the below-named counsel via FEDEX overnight delivery:

Todd D. True, Esq.  
EARTHJUSTICE LEGAL DEFENSE FUND  
705 Second Avenue, Suite 203  
Seattle, WA 98104

Michael A. Saul, Esq.  
NATIONAL WILDLIFE FEDERATION  
2260 Baseline Road, Suite 100  
Boulder, CO 80302

and to be served on the below-named counsel via first class, United States mail, postage pre-paid, at their last known addresses:<sup>1</sup>

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ANDREA L. BERLOWE

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<sup>1</sup> Counsel listed here are already in possession of the map provided as Exhibit 1 to the Settlement Agreement. Consequently, we did not serve another copy on them.